

Remarks

Status of Claims

Claims 1-24 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 25-48 have been added to further expand the claimed embodiments of the elected subject matter. New claims 25-48 find support in the claims as originally filed and throughout the specification. Specifically, support for new claims 25-48 can be found, for example, at page 84, paragraph 192, through page 86, paragraph 198 (HHPEN62); page 264, in Table 1 (HHPEN62/SEQ ID NO:139); page 311, paragraph 741 (30 and 50 contiguous amino acids); page 317, paragraph 759, through page 328, paragraph 782 (antibodies; including polyclonal, monoclonal, human, humanized, chimeric antibodies, single chain antibodies, and Fab fragments); pages 312-313, paragraph 747 (ELISA; Western); page 355, paragraph 864, through page 357, paragraph 873 (labeled antibody; detecting a polypeptide in a biological sample); and page 363, paragraph 898 (glycosylated polypeptides). Accordingly, no new matter has been added. Upon entry of the present amendment, claims 25-48 will be pending.

Election

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-24 were separated into 786 different groups. *See*, Paper No. 11292005, pages 2-3. In addition, the Examiner has also required election of “one polypeptide (one amino acid sequence) as set forth in Table I from SEQ ID NO:Y.” *Id.* at 3.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group 218 (*i.e.*, drawn to the isolated antibodies of claim 13), for further prosecution. Additionally, to comply with the Examiner's request for election of a single polypeptide sequence, Applicants note that the pending claims, as amended herein, are drawn to antibodies which bind SEQ ID NO:139 polypeptide (HHPEN62). *See e.g.*, Table 1 at page 264. Thus, new claims 25-36 and 39-45 are directed to subject matter falling within the ambit of Group 218 as cast by the Examiner. Furthermore, Applicants respectfully request a search and examination of claims 37-38 and 46-48 (drawn to an isolated cell, hybridoma, or methods of detecting) upon allowance of generic claim 25.

Change of Title

Applicants have amended the pending claims in the present application to be drawn to HHPEN62 antibody embodiments (to accommodate the Restriction Requirement mailed January 11, 2006; Paper No. 11292005). As such, Applicants have also amended the Title of the present application to reflect the claimed antibody embodiments.

Change of Inventorship pursuant to 37 C.F.R. §1.48(b)

Applicants have amended the claims in the present application to be drawn to HHPEN62 antibody embodiments. In this regard, the undersigned has been informed that the inventive entity of the subject matter encompassed by the elected claims is: Steven M. Ruben, Jian Ni, and Craig A. Rosen. Accordingly, Applicants request that the present application be amended to show the above three persons as inventors. Thus, please remove the following names from the list of inventors: Kimberly A. Florence, Kenneth C. Carter, Paul A. Moore, Henrik S. Olsen, Yanggu Shi, Paul E. Young, Ying-Fei Wei, Laurie A. Brewer, Daniel R. Soppet, David W. LaFleur, Gregory A. Endress, Reinhard Ebner, and Charles E. Birse.

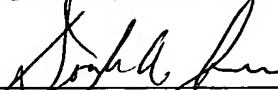
Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for further examination. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Date: 2/3/2006

Respectfully submitted,


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